

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1248 - SB 1470

March 28, 2022

SUMMARY OF BILL AS AMENDED (016527): Expands the Class D felony offense of theft to include theft of a firearm from a law enforcement vehicle valued less than \$10,000.

FISCAL IMPACT OF BILL AS AMENDED:

Increase State Expenditures – \$64,900 Incarceration

Decrease Local Expenditures – \$32,800/FY22-23 and Subsequent Years

Assumptions for the bill as amended:

- This analysis assumes the average price of a firearm is less than \$1,000; therefore, theft of a firearm is a Class A misdemeanor under current law.
- It is estimated an average of 300 individuals per year are admitted to local incarceration for theft of a firearm.
- The proposed legislation will result in one percent, or 3 (300 x 1%), of local admissions being enhanced to Class D felony admissions.
- The average time served for a Class D felony is 1.11 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

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Increase in State Expenditures	
Amount	Fiscal Year
\$ 55,000	FY22-23
\$ 61,600	FY23-24
\$ 61,700	FY24-25
\$ 62,300	FY25-26
\$ 62,700	FY26-27
\$ 63,300	FY27-28
\$ 63,400	FY28-29
\$ 63,900	FY29-30
\$ 64,300	FY30-31
\$ 64,900	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$64,900.
- Pursuant to Tenn. Code Ann. § 39-14-105(d), theft of a firearm is required to be punished by a minimum of 180 days confinement.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$60.69.
- The recurring mandatory decrease in expenditures to local governments is estimated to be \$32,773 (3 convictions x \$60.69 x 180) in FY22-23 and subsequent years.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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